

REMARKS

Claims 1-45 are pending.

In the present Office Action, claims 1-11, 14-29, 32-42 and 44-45 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,470,394 (hereinafter "Bamforth"), in view of U.S. Patent No. 5,455,865 (hereinafter "Perlman"), and in further view of U.S. Patent No. 5,619,500 (hereinafter "Heikali"). Applicant has considered the examiner's comments in the present Office Action. However, Applicant maintains the position that the cited art does not disclose all of the features of the pending claims, either singly or in combination. Accordingly, Applicant respectfully traverses the above rejections and request reconsideration in light of the following discussion.

In the present Office Action, page 2, paragraph 1, Heikali is cited as disclosing particular features of claims 1, 15-19, 36-37, and 44-45. For example, the Examiner states the following:

"references are made to the protocol received and the use thereof. i.e. ... receives and processes information ... and provides it to the user with the proper bandwidth and data protocol. Col. 4, lines 5-10, ... information is contained in the incoming data stream ... to define the type of data being received, ... to route received data to the appropriate one of the FIFO circuits, Col. 6, lines 30-36. Heikali teaches determining the protocol of the message received and using that information to determine what actions to take in the manipulation of the data received."

However, Applicant submits that the above disclosure does not teach or suggest the features for which they are offered. Applicant maintains that Heikali fails to disclose at least the features, of the independent claims, "writing into said attribute part data extracted from said received message and data indicative of a protocol by which the message was received."

Heikali makes reference to various user protocols that may be translated to an ATM protocol in order to facilitate the operation of an ATM switch. For example, Heikali recites:

“Also included in the ATM network 300 is a plurality of ATM gateways 302-1 through 302-N. Such ATM gateways include a plurality of ports for connection to a number of users utilizing any combination of a variety of standard protocols, such as a frame relay network user 302-1-1, SIP relay user 302-1-2, and the like. ATM gateway 302-1 interfaces between each of these sub T3 users, which require either T1 or fractional T1 bandwidths, and the ATM switch 301. ATM gateway 302-1 also provides any necessary translation between the various user protocols such as frame relay network, SIP relay, and the like, and the ATM protocol used by ATM network 300.” (Heikali, col. 3, lines 12-22.)

It may be seen from the above citation that Heikali teaches determining a protocol that is associated with a user. Heikali also teaches providing protocol translation for that user's connection to the ATM network. Finally, Heikali teaches that a given user protocol may be converted to the ATM protocol for use within the ATM switch. However, Heikali does not disclose or suggest writing data indicative of a protocol by which the message was received into an attribute part of an internal format of the message. In contrast, Heikali discloses:

“the ATM protocol requires ATM packets to include a connection ID indicating that this packet is part of a data connection between two specific ATM nodes. The connection ID contained within each ATM packet includes a virtual path ID (VPI) and a virtual connection ID (VCI). The VPI/VCI information is established in advance, based on the specific stations which are to communicate these packets, and the data rates capable by each of those stations. “ (Heikali, col.7, lines 2-9)

Therefore, in converting a non-ATM protocol message to the ATM protocol, it may be required to write the connection ID into the ATM packet. However, the connection ID is not “data indicative of the protocol by which the message was received.” It is well known that ATM communications involve pre-established connections. As recited above, the connection ID contains VPI/VCI information that is established in advance. Information that defines the type of data that will be

communicated is contained in the portion of the incoming data stream that is used to establish the connection. However, that information does not need to be included in the message itself once the connection is established. Consequently, when a message is received, it is not necessary to determine the protocol by which it was received. Determining the connection ID alone is sufficient for the ATM switch to determine how to process the message and provide it to the user with the proper bandwidth and data protocol.

Further, Heikali does not suggest the above recited features. In the present Office Action, page 2 par. 2, the Examiner states that “a reference is to be considered not only for what it expressly states, but also for what it would reasonably have suggested to one of ordinary skill in the art.” Applicant submits that Heikali does not suggest “writing into said attribute part data extracted from said received message and data indicative of a protocol by which the message was received.” In fact, to determine the protocol by which a message was received and modify the ATM cells by writing data indicative of the protocol into the ATM protocol formatted message would run counter to the purposes of the ATM switching protocol which relies on being able to route fixed length cells based on a well specified, compact, fixed-length connection ID. Accordingly, Heikali does not suggest writing into said attribute part data extracted from said received message and data indicative of a protocol by which the message was received as recited.

Likewise, as noted in Applicant’s previous Response dated October 28, 2004, Bamforth teaches away from adding protocol information to the fixed format (internal) message. For example, Bamforth discloses:

“Conversion engine 203 may also remove unnecessary protocol information from the data (step 405). The protocol information is generally not required in the fixed format message, as the size and data type of the fields may be predefined or known. Conversion engine 203 assembles fixed format message and maps data from the Edifact or other variable field message to the fields in the fixed format message (step 406) by positioning the data, typically without the protocol information, in the corresponding fields for that data in the fixed format message.”
(Bamforth, col. 6, lines 46-56)

Further, neither does Perlman teach or suggest the above features. Rather, Perlman merely describes routing of packets that conform to one particular protocol, the format of which is illustrated in figures 3a, 4a, 6a, 6b, and 8a.

Accordingly, Applicant submits the cited art, taken either singly or in combination, fails to disclose all of the features of claims 1, 15-19, 36-37, and 44-45. Therefore, each of these claims, as well as their dependent claims, are patentably distinguishable from the cited art.

In addition to the above, claims 12-14, 30-32 and 43 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Bamforth, Perlman, and Heikali, in further view of U.S. Patent No. 6,658,568 (hereinafter "Ginter"). In view of the discussion above, Applicant submits the rejections directed to these dependent claims are overcome for at least the reasons discussed above. Accordingly, additional discussion of the dependent claims is not believed necessary at this time.

In view of the above comments, Applicant requests withdrawal of the rejections. Should the examiner believe there remain issues which would prevent the present application from proceeding to allowance, a telephone interview is requested by the below signed representative, at (512) 853-8866, in order to facilitate a resolution.

CONCLUSION

Applicant submits the application is in condition for allowance, and an early notice to that effect is requested.

If any extensions of time (under 37 C.F.R. § 1.136) are necessary to prevent the above referenced application(s) from becoming abandoned, Applicant(s) hereby petition for such extensions. If any fees are due, the Commissioner is authorized to charge said fees to Meyertons, Hood, Kivlin, Kowert, & Goetzel, P.C. Deposit Account No. 501505/5181-77301/RDR.

Also enclosed herewith are the following items:

☒ Return Receipt Postcard

Respectfully submitted,



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